

1 [Attorneys on Next Page]  
2  
3  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 GIGANEWS, INC., a Texas corporation;  
12 and LIVEWIRE SERVICES, INC., a  
Nevada corporation,

13 Plaintiffs,

14 v.

15 PERFECT 10, INC., a California  
corporation; NORMAN ZADA, an  
16 individual; and DOES 1-50, inclusive,

17 Defendants.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No.: 2:17-cv-05075-AB (JPR)

**JOINT EXHIBIT LIST WITH  
OBJECTIONS AND RESPONSES**

Trial Date: March 26, 2019  
Time: 8:30 am  
Courtroom: 7B  
Judge: Hon. André Birotte Jr.

FENWICK & WEST LLP  
ATTORNEYS AT LAW

1 ANDREW P. BRIDGES (CSB No. 122761)  
abridges@fenwick.com  
2 FENWICK & WEST LLP  
801 California Street  
3 Mountain View, CA 94041  
Telephone: 650.988.8500  
4 Facsimile: 650.928.5200

5 JEDEDIAH WAKEFIELD (CSB No. 178058)  
jwakefield@fenwick.com  
6 TODD R. GREGORIAN (CSB No. 236096)  
tgregorian@fenwick.com  
7 ERIC B. YOUNG (CSB No. 318754)  
eyoung@fenwick.com  
8 FENWICK & WEST LLP  
555 California Street, 12th Floor  
9 San Francisco, CA 94104  
Telephone: 415.875.2300  
10 Facsimile: 415.281.1350

11 RONALD P. SLATES, SBN: 43712  
rslates2@rslateslaw.com  
12 RONALD P. SLATES, P.C.  
500 South Grand Avenue, Suite 2010  
13 Los Angeles, CA 90071  
Telephone: 213.624.1515  
14 Facsimile: 213.624.7536

15 Attorneys for Plaintiffs/Judgment Creditors,  
GIGANEWS, INC. and LIVEWIRE SERVICES, INC.  
16

17 MATTHEW C. MICKELSON (S.B.N. 203867)  
matthew@mickelsonlegal.com  
18 LAW OFFICES OF MATTHEW C. MICKELSON  
16055 Ventura Boulevard, Suite 1230  
19 Encino, CA 94136  
Telephone: 818.382.3360  
20 Facsimile: 818.382.3364

21 Attorneys for Defendants  
22 PERFECT 10, INC. and NORMAN ZADA  
23  
24  
25  
26  
27  
28

Plaintiffs Giganews, Inc. and Livewire Services, Inc. offer exhibits 4-293, 377-394;  
Defendants Perfect 10, Inc. and Norm Zada offer exhibits 294-376, 395.

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4	02/13/2015 Perfect 10 Financial Report for 12/31/2014	No objections.	n/a		
6	Spreadsheets of Transfers Between Perfect 10 and Zada; Legal Payments 2016 Onward	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
7	07/24/2002 Letter to Norman Zadeh from Gregory Larson w/attachments	Exhibit contains unsigned unused demand notes which are irrelevant and prejudicial and improper character evidence. (FRE 402, 403, 404, see Defendants Motion in Limine (“MIL”) #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of showing Mr. Zada’s attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		
8	Repayment of Principal notices	Exhibit contains unsigned unused repayment notes which are irrelevant and prejudicial (and improper character evidence. (FRE 402, 403, 404,	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of showing Mr.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		see MIL #2)	Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		
9	04/21/2015 California Title Company cover letter and closing documents for 11803 Norfield Court property	Exhibit is 184 pages and completely irrelevant. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	No federal or Local Rule limiting length of exhibits – Defendants produced as a single PDF; relevant to show intent and challenge Defendants' good faith defense; non-hearsay offered as evidence of Mr. Zada's state of mind; Zada and Perfect 10 statements are party admissions; not hearsay because records of documents that		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			affect an interest in property, statements in documents that affect an interest in property, present sense impression, and more probative on the point for which it's offered that any other available evidence; business records exception. (FRE 803, 807).		
10	03/27/2017 Membership Interest Purchase Agreements re CW International and June 21, 2018 email string from V. Weber to N. Zada re accountant says no record of Perfect 10 investing in CWI	Completely irrelevant. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	Relevant to show intent and challenge Defendants' good faith defense; non-hearsay offered as evidence of Mr. Zada's state of mind; Zada and Perfect 10 statements are party admissions; not hearsay because records of documents that affect an interest in property, statements in		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			documents that affect an interest in property, present sense impression, and more probative on the point for which it's offered that any other available evidence; business records exception. (FRE 803, 807).		
11	07/05/2018 M. Poblete LinkedIn profile	No objections.	n/a		
12	08/21/2017 Email string from M. Poblete (gracemelly@live.com) to B. Hersh, cc: Zada re Norm's EDD audit	No objections.	n/a		
13	Packet of Perfect 10 endorsed checks to M. Poblete	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
14	06/16/2015 E-mail chain from M. Poblete to B. Hersh re Reminder	No objections.	n/a		
15	Bank of America transactions/checks written from N. Zada to M. Poblete	No objections.	n/a		
16	07/19/2017 E-mail chain from M. Poblete to B. Neurman, bcc: N. Zada re Department of Labor re-sends the Delinquent Filer Voluntary Compliance inquiry letter	No objections.	n/a		
17	08/16/2017 E-mail chain from N. Zada to G. Augustine & M. Poblete re hot water was too hot need new thermostat	No objections.	n/a		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
18	07/25/2016 Email from M. Poblete (gracemelly@live.com) to B. Hersh re Norm's EDD audit	No objections.	n/a		
19	09/04/2017 E-mail chain from M. Poblete to N. Zada re Please beautify as only you can do	No objections.	n/a		
20	10/18/2017 E-mail chain N. Zada to M. Poblete re State Farm Insurance Payment Receipts requested by M. Poblete	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
21	Document entitled "Timeline"	This document contains Mr. Boyle's opinions as to the probability of Perfect 10 losing the case, which are improper legal opinions by a non attorney. (FRE 701, 702, see MIL #1)	The objections mischaracterize the exhibit, which reflect dates of orders entered in the Related Case and not the "legal opinions" of a witness.		
23	3/24/2015, 3/26/2015, 4/1/2015 Minutes of the Special Meeting of Board of Directors of Perfect 10, Inc.	No objections.	n/a		
24	05/15/2015 Email chain from M. Poblete to B. Hersh re Tax Payment	No objections.	n/a		
25	07/14/2015 Email from B. Hersh to M. Poblete re Utilities	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
26	07/16/2015 Email from M. Poblete to B. Hersh, cc: N. Zada re Perfect 10 v. Norm Zada	No objections.	n/a		
28	Perfect 10 2014 Tax Return workpapers	No objections.	n/a		
30	07/24/2002 Letter enclosing Corporate Documents and Demand Notes	Exhibit contains unsigned unused demand notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
32	Perfect 10 2015 Federal Tax Return	No objections.	n/a		
35	Perfect 10 2016 Federal Tax Return	No objections.	n/a		
38	Zada 2014 Federal and California Income Tax Returns	No objections.	n/a		
39	Zada 2015 Federal and California Income Tax Returns	No objections.	n/a		
40	Zada 2016 Federal Income Tax Return	No objections.	n/a		
41	Zada 2017 Federal Income Tax Return ("not finished")	No objections.	n/a		
42	Zada 2017 Federal Income Tax Return	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
43	Spreadsheet of Metadata	Exhibit relates to unsigned unused demand notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate underlying documents at trial and Mr. Eskridge can authenticate the spreadsheet created from them; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
44	09/14/2018 N. Zada's Declaration in support of Defendants' Motion for Summary Judgment	No objections.	n/a		
45	Perfect 10 Store Invoices	No objections.	n/a		
46	Spreadsheet Reflecting Sales from the Perfect 10 Store	No objections.	n/a		
47	03/26/2015 Email from N. Zada to B. Hersh re Put Money in Retirement Account	No objections.	n/a		
48	01/23/2015 Email from N. Zada to M. Poblete re Loan	No objections.	n/a		
49	11/20/2014 Email string from N. Zada to I. Sky and P. Moseley re Mortgage Broker	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
50	11/20/2014 Email string from N. Zada to I. Sky and P. Moseley re Mortgage Broker	No objections.	n/a		
51	11/29/2014 Email from N. Zada to M. Poblete re Loan Package	No objections.	n/a		
52	04/03/2015 Email from N. Zada to J. Kohut re Hard Money Loan	No objections.	n/a		
53	11/09/2012 Email from M. Poblete to N. Zada re Email to Bruce	No objections.	n/a		
54	09/23/2015 Email string from N. Zada to A. Vaghefi re Updated Contact Information	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
55	03/11/2015 Email from N. Zada to M. Poblete re Please Pay Eric Tomorrow if Possible	No objections.	n/a		
57	Lichtman Report Ex. 2 - CV	No objections.	n/a		
58	Lichtman Report Ex. 1 - Materials Considered list	No objections.	n/a		
59	12/12/2018 Email string from N. Zada to D. Lichtman re Google's New DMCA Instructions and H/W notes	No objections.	n/a		
60	06/06/2018 Letter agreement from D. Lichtman to M. Mickelson	No objections.	n/a		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
61	02/04/2015 [Dkt. 676] Further Interim Findings re Defendants' Motion for Sanctions, Case No.: 11 -cv-07098	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Relevant to show intent, reasonable belief that Perfect 10 would incur a debt it could not pay, and fact of pending sanctions for discovery abuses at the time of the fee award; not hearsay to prove the fact that Perfect 10 and Zada expected a monetary sanction to follow. (FRE 801); public records exception.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
63	11/04/2013 [Dkt. 142-12] Ex. 9 to Decl. of Zada ISO Perfect 10's MSJ, August 18, 2011 DMCA Notice from Zada to Mr. Yokubaitis and October 20, 2011 letter from A. Bridges to E. Benink, Case No. 2:11-cv-07098	No objections.	n/a		
64	Copyright Infringement & Remedies, pp. 168-169	No objections.	n/a		
65	Robert Lind, Copyright Law, pp. 157-162 (2018)	No objections.	n/a		
66	Robert Lind's H/W notes	No objections.	n/a		
67	07/09/2018 Email from N. Zada to R. Lind re seeking expert testimony	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
68	Lind invoices to M. Mickelson	No objections.	n/a		
69	12/14/2018 Lind invoices to M. Mickelson	No objections.	n/a		
70	01/23/2006 Mark Lachniet, "SANS Institute InfoSec Reading Room A Forensic Primer for Usenet Evidence," Sans Institute (2008)	No objections.	n/a		
71	Robert C. Lind CV	No objections.	n/a		
73	12/17/2018 Defendants' Objections to Subpoena on Expert Witness John Cooper	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
74	05/31/2013 Heidemann v. Detrani, No. D060843, 2013 WL 2370533 (Cal. App. May 31, 2013)	No objections.	n/a		
75	H/W notes by J. Cooper re case	No objections.	n/a		
76	Boyles CV	No objections.	n/a		
77	11/08/2018 Boyles materials considered index	No objections.	n/a		
78	10/23/2018 Perfect 10 P&L January- December 2012	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete; however Plaintiffs or Defendants can		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			submit the complete, originally produced electronic QB files to meet any FRE 106 concern.		
79	10/23/2018 Perfect 10 P&L January-December 2016	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete; however Plaintiffs or Defendants can submit the complete, originally produced electronic QB files to meet any FRE 106 concern.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
80	10/23/2018 Perfect 10 Transactions by Account as of October 23, 2018	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete; however Plaintiffs or Defendants can submit the complete, originally produced electronic QB files to meet any FRE 106 concern.		
81	Perfect 10 Index of Demand Notes	Exhibit relates to unsigned unused demand notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
82	Perfect 10 Index of Repayments of Principle	Exhibit relates to unsigned unused repayment notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		
83	10/23/2018 Perfect 10 Transaction Detail By Account January 1996-December 2016	No objections.	n/a		



FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
84	10/23/2018 Perfect 10 Transactions by Account as of July 31, 2010	No objections.	n/a		
85	10/23/2018 Perfect 10 Transactions by Account as of December 31, 2013	No objections.	n/a		
86	10/23/2018 Perfect 10 Transactions by Account as of December 31, 2010	No objections.	n/a		
87	10/23/2018 Perfect 10 Balance Sheet as of December 31, 2009	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete, however Plaintiffs or		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			Defendants can submit the complete, originally produced electronic QB files to meet any FRE 106 concern.		
88	Beverly Park Sale Journal Entry	This is an irrelevant document which will simply mislead the jury into overestimating Dr. Zada's net worth. It is also hearsay. (FRE 402, 403, 802, see MIL #6)	Relevant to intent, reasonable expectation of a debt Perfect 10 could not pay, insolvency (to prove Perfect 10's business expenses).		
89	10/23/2018 Perfect 10 Transaction Detail By Account January-December 2011	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
90	10/23/2018 Perfect 10 Transactions by Account as of December 31, 2012	No objections.	n/a		
91	10/23/2018 Perfect 10 Transaction Detail By Account January- December 2012	No objections.	n/a		
92	10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013	No objections.	n/a		
93	10/23/2018 Perfect 10 Transaction Detail By Account January- December 2014	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
94	08/27/2018 Norman Zada Transaction List by Date - Payments to Krause Kalfayan Benink & Slavens LLP	No objections.	n/a		
95	08/27/2018 Norman Zada Transaction List by Date - Payments to Lynell Davis	No objections.	n/a		
96	Index of Payments to Perfect 10 Employees, Consultants, and Affiliates by Norman Zada	No objections.	n/a		
97	Perfect 10 Balance Sheet Test as of Date of 2014 Transfers in Question	This document is not evidence, and contains a “probability of Loss for Judgment” row that is completely speculative, created by Mr. Boyles, a non-attorney. (FRE	Defendants provided the underlying QuickBooks data and financial records for these calculations. Mr. Boyles can authenticate document and testify under		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		701, 702, 402, 403 see MIL # 1)	oath as to his methods;  Plaintiffs designated Mr. Boyles as a financial forensic expert to give testimony at trial under Rule 26(a)(2)—the “probability of Loss for Judgment” is not a speculation about the likelihood of a judgment; it is a quantitative calculation of what amount of liability, if accrued on Perfect 10’s books, would render Perfect 10 insolvent under the balance sheet test. This is fully within Mr. Boyles’ expertise.		
98	10/19/2018 Perfect 10 Transactions	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	by Account as of April 30, 2015				
99	11/07/2018 FASB 505-10-5-3 - Overview and Background - General	This is simply irrelevant material which will confuse the jury and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	Relevant to accounting for Zada's contributions to Perfect 10 and to establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
100	11/07/2018 FASB Master Glossary - Loss Contingency	This is simply irrelevant material which will confuse the jury	Relevant to accounting for Zada's contributions to Perfect 10 and to		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
101	11/07/2018 FASB 450-20-25 Recognition - General	This is simply irrelevant material which will confuse the jury and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	Relevant to accounting for Zada's contributions to Perfect 10 and to establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
102	Eskridge CV	Mr. Eskridge should not be allowed to testify because the unused and unsigned demand and repayment notes are	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		completely irrelevant (FRE 402, 403, 404, see MIL #2)	making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.  The objection addresses Mr. Eskridge's testimony, not his CV which is the exhibit in question and can be used to establish Eskridge's qualifications.		
103	Metadata index	Exhibit relates to unsigned unused demand notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate underlying documents at		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		#2)	trial and Mr. Eskridge can authenticate the spreadsheet created from them; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits		
104	12/31/2003 Perfect 10 Financial Report	No objections.	n/a		
105	12/31/2004 Perfect 10 Financial	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Report				
106	12/31/2005 Perfect 10 Financial Report	No objections.	n/a		
107	12/31/2006 Perfect 10 Financial Report	No objections.	n/a		
108	12/31/2007 Perfect 10 Financial Report	No objections.	n/a		
109	12/31/2009 Perfect 10 Financial Report	No objections.	n/a		
110	12/31/2010 Perfect 10 Financial Report	No objections.	n/a		
111	12/31/2011 Perfect 10 Financial Report	No objections.	n/a		
112	12/31/2012 Perfect 10	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Financial Report				
113	12/31/2014 Perfect 10 Financial Report	No objections.	n/a		
114	11/30/2014 Bank of America Account (ending no. 4952) Summary for November 1, 2014 to November 30, 2014	No objections.	n/a		
115	05/31/2015 Bank of America Account (ending no. 4952) Summary for May 1, 2015 to May 31, 2015	No objections.	n/a		
116	09/30/2015 Bank of America	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Account (ending no. 4952) Summary for September 1, 2015 to September 30, 2015				
117	12/05/2016 Perfect 10 General Ledger as of December 31, 2015	No objections.	n/a		
118	1996 Perfect 10 Federal Tax Return	No objections.	n/a		
119	1997 Perfect 10 Federal Tax Return	No objections.	n/a		
120	1998 Perfect 10 Federal Tax Return	No objections.	n/a		
121	1999 Perfect 10 Federal Tax Return	No objections.	n/a		
122	2000 Perfect 10 Federal Tax Return	No objections.	n/a		
123	2001 Perfect 10 Federal Tax	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Return				
124	2002 Perfect 10 Federal Tax Return	No objections.	n/a		
125	2003 Perfect 10 Federal Tax Return	No objections.	n/a		
126	2004 Perfect 10 Federal Tax Return	No objections.	n/a		
127	2005 Perfect 10 Federal Tax Return	No objections.	n/a		
128	2006 Perfect 10 Federal Tax Return	No objections.	n/a		
129	2007 Perfect 10 Federal Tax Return	No objections.	n/a		
130	2008 Perfect 10 Federal Tax Return	No objections.	n/a		
131	2009 Perfect 10 Federal Tax Return	No objections.	n/a		
132	2010 Perfect 10 Federal Tax Return	No objections.	n/a		
133	2011 Perfect 10 Federal Tax	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Return				
134	2012 Perfect 10 Federal Tax Return	No objections.	n/a		
135	2013 Perfect 10 Federal Tax Return	No objections.	n/a		
136	12/31/1996 State Income Inception 12.31.1996	No objections.	n/a		
137	12/31/1997 Perfect 10 Financial Report	No objections.	n/a		
138	01/31/2000 General Ledger as of December 31, 1999	No objections.	n/a		
139	03/31/2010 2001 03 31 Perfect 10 Financial Report	No objections.	n/a		
140	12/31/2001 2001 12 31 Perfect 10 Financial Report	No objections.	n/a		
141	12/31/2002 2002 12 31	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Perfect 10 Financial Report				
142	07/31/2010 2007 07 31 Perfect 10 Financial Report	No objections.	n/a		
143	12/31/2013 Bank of America Account (ending no. 4952) Summary for December 1, 2013 to December 31, 2013	No objections.	n/a		
144	Bank of America Account (ending no. 4952) Summary for April 2014 through November 2015	No objections.	n/a		
146	11/07/2018 2- 17-cv-07098 Docket Sheet as of 11.7.2018	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to whether Defendants should have had a reasonable		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			belief that it would incur a debt beyond its ability to pay, the fact of Perfect 10's losses, and the entry of orders memorializing those losses.		
147	05/14/2015 Email from B. Hersh to M. Poblete re Sales	No objections.	n/a		
148	07/13/2015 Ellenburg counsel email for Perfect 10 Judgement Lien	No objections.	n/a		
149	12/11/2015 T. Brown to Gregorian emails	No objections.	n/a		
150	06/14/2016 Email from M. Poblete to B. Hersh re 2015 Sales - Orders from Shopify.xlsx w/o attachment	No objections.	n/a		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
151	Excerpt from Perfect 10's American Express statement for account ending 2-34005 for February 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
152	Excerpt from Perfect 10's American Express statement for account ending 2-34005 for February 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
153	Excerpt from Perfect 10's American Express statement for account ending 2-34005 for February 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
154	Excerpt from Perfect 10's American Express statement for account ending	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	2-34005 for February 2014		10 expenses.		
155	Excerpt from Perfect 10's American Express statement for account ending 2-35002 for April 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
156	Excerpt from Perfect 10's American Express statement for account ending 2-35002 for June 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
157	Excerpt from Perfect 10's American Express statement for account ending 2-35002 for November 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
158	04/10/2012 Certificate of Title for a 2009 Lexus registered to N.	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Zada				
159	N. Zada's Wells Fargo statement for account 0814029005 for April 2012	No objections.	n/a		
160	07/01/2014 Email string from N. Zada to M. Poblete re CALIFORNIA - 2073355 - Perfect 10, Inc. vs Giganews - 6/25/2014 - forwarding Veritext deposition invoice	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
161	04/13/2016 Email string from M. Poblete to N. Zada re We are going to need to order my veritex debtor's deposition transcript	No objections.	n/a		
162	03/03/2017 Email string from N. Zedah to D. Pasternak, cc to S. Sereboff, Z. Lake and M. Roman re Perfect 10 v. Giganews	No objections.	n/a		
163	07/14/2017 Email string from N. Zada to D. Pasternak re AOL	No objections.	n/a		
164	08/01/2018 Email string from N. Zada to D. Pasternak, R. Diefenbach cc: A. Bridges re AOL	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
165	07/16/2015 Email from N. Zada to Bookings4mari samiller@cartel-management.com re Protecting the photos of Marisa Miller	No objections.	n/a		
166	07/16/2015 Email from M. Poblete to B. Hersh re Perfect 10 v. Norm Zada	No objections.	n/a		
167	03/02/2017 Email string from D. Pasternak to N. Zada cc to S. Sereboff, Z. Lake and M. Roman re Perfect 10 v. Giganews	No objections.	n/a		
168	08/01/2018 Email string from D. Pasternak to R.	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Diefenbach , N. Zada cc: A. Bridges re AOL				
169	07/17/2017 Email string from D. Pasternak to N. Zada and M. Mickelson re Giganews's false representations to the Court	No objections.	n/a		
170	03/03/2017 Email string from D. Pasternak to N. Zada cc S. Sereboff, Z. Lake and M. Roman re Perfect 10 v. Giganews	No objections.	n/a		
171	09/28/2017 Email string from D. Pasternak to N.	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Zada cc Z. Lake, M. Mickelson, A. Degenford, A. Ford re Purchase of Perfect 10				
172	02/10/2015 Redacted email string from N. Zada to SGraham@alm.com re Magistrate Hillman's Order	No objections.	n/a		
173	Excerpt from a UBS Resource Management Account statement for April 2015, account JP 28492 NO	No objections.	n/a		
174	07/20/2018 Email string from M. Poblete to N. Zada, B. Hersh	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	re quickbooks				
176	11/2004 Sheinfeld et al., "Fiduciary Duties of Directors of a Corporation in the Vicinity of Insolvency and After Initiation of a Bankruptcy Case," 60 Bus. Law 79 (2004)	This is simply irrelevant material which will confuse the jury and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	Relevant to accounting for Zada's contributions to Perfect 10 and to establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
177	2017 Perfect 10 Corrected Federal Tax Return	No objections.	n/a		
178	1996 Perfect 10 California Tax Return	No objections.	n/a		
179	04/04/2015 Email string from A. Bridges to E. Benink, J. Belichick, T.	No objections.	n/a		



FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Gregorian, A. Necessian, J. Wakefield, cc David Schultz, L. Davis re Confidential Proposal to Satisfy Judgment				
180	Bank of America Account (ending no. 4952) Summary for January 2014	A number of these statements have not been sufficiently redacted and contain the names of companies who have signed confidential settlement agreements	Defendants have sufficient time before trial to provide notice to those third parties so that they can seek relief if actually necessary.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
181	Bank of America Account (ending no. 4952) Summary for March 2014	A number of these statements have not been sufficiently redacted and contain the names of companies who have signed confidential settlement agreements	Defendants have sufficient time before trial to provide notice to those third parties so that they can seek relief if actually necessary.		
182	Bank of America Account (ending no. 4952) Summary for April 2015	A number of these statements have not been sufficiently redacted and contain the names of companies who have signed confidential settlement agreements	Defendants have sufficient time before trial to provide notice to those third parties so that they can seek relief if actually necessary.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
183	05/15/2015 M. Poblete to B. Hersh re Tax Payment	No objections.	n/a		
184	05/14/2015 M. Poblete to B. Hersh re Tax Payment	No objections.	n/a		
185	01/21/2016 M. Poblete email to N. Zada, cc B. Hersh reTax payment	No objections.	n/a		
186	12/19/2016 Video: Demo_ How to Search and Download from Giganews using Mimo Newsreader available at <a href="https://www.youtube.com/watch?v=jMY4VHA-6Dc">https://www.youtube.com/watch?v=jMY4VHA-6Dc</a>	No objections.	n/a		
187	12/17/2016 Video: Demo_	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	How to use Giganews' Mimo Newsreader to Extract Message-IDs available at <a href="https://www.youtube.com/watch?v=DZp5KTS10y8">https://www.youtube.com/watch?v=DZp5KTS10y8</a>				
188	12/18/2016 Video: Demo_How to extract Message-IDs using Newsrover available at <a href="https://www.youtube.com/watch?v=BxlE2YF6VE8&amp;t=93s">https://www.youtube.com/watch?v=BxlE2YF6VE8&amp;t=93s</a>	No objections.	n/a		
189	About Giganews -	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	screenshot				
190	Photos of Ron and Judy Yokubaitis	No objections.	n/a		
191	Giganews webpage screenshot	Missing exhibit; it was never provided to Defendants and must therefore be stricken.	No such exchange is required under the local rules or the Court's standing orders or trial rules. L.R. 16-2.4; Fed. R. Civ. P. 26(a)(3)(A)(iii). Plaintiffs agree to provide a copy of the exhibit.		
193	11/27/2017 [Dkt. 25] Order on Motion to Dismiss	The Court's preliminary orders in this case are not evidence and will simply prejudice the jury. (FRE 402, 403, see see MIL #3)	Objection mischaracterizes the order; relevant to show fraudulent intent, specifically Zada's changing justifications of his reasons for the transfers.		
194	02/28/2018 [Dkt. 39] Order Denying Defs Motion for Judgment on	The Court's preliminary orders in this case are not evidence and	Objection mischaracterizes the order; relevant to show fraudulent		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	the Pleadings	will simply prejudice the jury. (FRE 402, 403, see MIL #3)	intent, specifically Zada's changing justifications of his reasons for the transfers.		
197	04/28/2011 [Dkt. 26-1] Perfect 10 v. Giganews, Complaint, Case No. 2:11-cv-0905	No objections.	n/a		
198	03/26/2013 [Dkt. 26-2] Perfect 10 v. Giganews, First Amended Complaint, Case No. 2:11-cv-07098	No objections.	n/a		
199	11/14/2014 [Dkt. 26-3] Perfect 10 v. Giganews, Order Granting Defendants Motion for Partial Summary	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Judgment on the Issue of Direct Copyright Infringement, Case No. 2:11-cv-07098				
200	11/14/2014 [Dkt. 26-4] Perfect 10 v. Giganews, Order Granting Defendants Motion for Partial Summary Judgment on the Issue of InDirect Copyright Infringement, Case No. 2:11-cv-07098	No objections.	n/a		
201	11/26/2014 [Dkt. 26-5]	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Perfect 10 v. Giganews, Judgment in Favor of Defendants, Case No. 2:11-cv-07098				
202	03/24/2015 [Dkt. 26-6] Perfect 10 v. Giganews, Order Granting Defendants' Motion for Attorneys' Fees and Costs, Case No. 2:11-cv-07098	Certain findings in this order are demonstrably false or hotly contested and will bias the jury. (FRE 402, 403, see MIL # 8)	Relevant to determining whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; the fact of the order's existence cannot be contested, and it has been affirmed by the Ninth Circuit. The fact of the		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			order is judicially noticeable (FRE 201) and the document is self-authenticating (FRE 902).		
203	02/13/2015 [Dkt. 26-7] Perfect 10 General Ledger as of December 31, 2014	No objections.	n/a		
204	Quickbooks Perfect 10 native files, including, but not limited to the native document produced as Perfect102016-9-9(thru2012012).QBA	Missing exhibit; it was never provided to Defendants and must therefore be stricken.	The parties never agreed to exchange exhibits, and no such exchange is required under the local rules or the Court's standing orders or trial rules. L.R. 16-2.4; Fed. R. Civ. P. 26(a)(3)(A)(iii). The document comes from Defendants' production and was sufficiently identified. Plaintiffs can		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			provide Defendants a copy if necessary.		
<b>205</b>	Quickbooks N. Zada native files, including, but not limited to the native document produced as Norman Zadeh.QBW	Missing exhibit; it was never provided to Defendants and must therefore be stricken. As of January 17, 2019, Defendants still do not know what is contained in such files but they suspect that they contain all sorts of expenses of Dr. Zada that are personal, completely	The parties never agreed to exchange exhibits, and no such exchange is required under the local rules or the Court's standing orders or trial rules. L.R. 16-2.4; Fed. R. Civ. P. 26(a)(3)(A)(iii). The document comes from Defendants' production and was sufficiently identified. Plaintiffs can		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		irrelevant, and which will substantially bias (See MIL #6)	provide Defendants copies if necessary.		
206	08/18/2014 [Dkt. 356] Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Relevant to show intent of transfers, reasonable belief that Perfect 10 would incur a debt it could not pay, and fact of pending sanctions for discovery abuses; not hearsay to prove the fact that Perfect 10 and Zada anticipated a monetary sanction to follow. (FRE 801).		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
207	08/18/2014 [Dkt. 388] Joint Stip. re Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. In addition, Defendants are parties against whom the admissions in the joint stipulation are offered and have personal knowledge of the contents of sections they submitted to the Court.		
208	08/18/2014 [Dkt. 389] Gregorian Decl. ISO Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		claims. (FRE 402, 403, 802; see MIL #4)			
209	08/18/2014 [Dkt. 394] Tran Decl. ISO Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		
210	08/18/2014 [Dkt. 395] Belichick Decl. ISO Defendants' Motion to Compel Discovery Compliance	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations.	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	and for Sanctions	That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)			
211	01/16/2015 [Dkt. 653] Belichick Decl. ISO Motion for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		
212	02/03/2015 [Dkt. 672] Defendants' Response to Perfect 10	Plaintiffs should not be allowed to show the jury such a denied,	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Objections re Sanctions	vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	would incur debts beyond its ability to pay.		
213	BOFA statement for period 3-21-13 through 4-19-13 for acct. ending in 0277, pp. 1-3	No objections.	n/a		
214	10/28/2015 [Dkt. 749] Court order to appear for examination	This document serves no purpose other than to bias the jury (FRE 402, 403, see MIL #3)	Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay; relevant context for jury to understand debtor examination testimony including		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			admissions to fraudulent transfers; judicially noticeable (FRE 201).		
215	10/13/2015 Subpoena to Perfect 10 produce documents	No objections.	n/a		
216	10/31/2014 Bank of America Account (ending no. 4952) Summary for October 1, 2014 to October 31, 2014	No objections.	n/a		
217	03/31/2015 Bank of America Account (ending no. 4952) Summary for March 1, 2015 to March 31, 2015	No objections.	n/a		
218	01/31/2015 Bank of	No objections.	n/a		



FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	America Account (ending no. 4952) Summary for January 1, 2015 to January 31, 2015				
219	08/31/2015 Bank of America Account (ending no. 4952) Summary for August 1, 2015 to August 31, 2015	No objections.	n/a		
220	10/31/2012 Morgan Stanley account statement for October 1-31, 2012	No objections.	n/a		
221	08/31/2012 Wells Fargo bank statement for account ending in 5312 for August 1-31, 2012	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
222	Bank of America Account Activity Transaction Details for account ending in 0277	No objections.	n/a		
223	2013 Perfect 10 Federal and California tax documents	No objections.	n/a		
224	List of copyright registrations	No objections.	n/a		
225	Trademark registrations	No objections.	n/a		
226	Action chart	No objections.	n/a		
227	Domain name registrations	This document contains a list of websites that Perfect 10 received as part of a settlement as the defendant had few other assets. It is inflammatory and no relevance to the case. It is also hearsay. (FRE 402, 403, 802	Relevant to show Perfect 10's assets and address Defendants arguments regarding the value of its intellectual property, business expenditures, and cash on hand, all of which are		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		see MIL #3)	relevant to solvency analysis.		
228	Document from Register.com	No objections.	n/a		
229	GoDaddy receipt	No objections.	n/a		
230	Model database	No objections.	n/a		
231	04/28/2016 Third Party Bruce Hersh's Response to Defendant Giganews, Inc.'s Request for Production of Documents Pursuant to Subpoena	No objections.	n/a		
232	05/11/2015 [Dkt. 714-1] Declaration of Bruce Hersh in Opposition to Defendants' Motion to Alter or Amend Judgment to add Dr. Norman Zada as Judgment Debtor, Case	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	No. 2:11-cv-07098				
233	06/30/2009 Perfect 10, Inc. Financial Report	No objections.	n/a		
234	08/31/2009 Perfect 10, Inc. Financial Report	No objections.	n/a		
235	10/04/2013 E-mail to Bruce Hersh from M. Poblete re 1099s, w/attachments	No objections.	n/a		
236	12/06/2012 E-mail to Melanie Poblete from B. Hersh re Ultima Partners	No objections.	n/a		
237	08/29/2013 E-mail to Bruce Hersh from M. Poblete re NZ Personal Checking, w/attachments	No objections.	n/a		
238	03/21/2014 E-mail to Melanie Poblete from B. Hersh re	No objections.	n/a		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Solar				
239	05/13/2014 E-mail to Melanie Poblete from B. Hersh re Changes File	No objections.	n/a		
240	02/04/2013 E-mail to Melanie Poblete from B. Hersh re QB file to import	No objections.	n/a		
241	01/09/2013 E-mail to Bruce Hersh from M. Poblete re QB, w/attachments	No objections.	n/a		
242	08/25/2016 Subpoena to M. Poblete produce documents	No objections.	n/a		
243	11/17/2016 Amended Response of M. Poblete to Giganews' Subpoena to produce Documents	No objections.	n/a		
244	12/05/2016 Perfect 10 Profit & Loss Detail January	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	through December 2015				
245	10/29/2015 M. Poblete signed Certificate of Service re Appellant's Excerpts of Record Vol. 11 of 13	No objections.	n/a		
246	06/16/2015 M. Poblete email string to B. Hersh re Employment	No objections.	n/a		
247	09/06/2016 M. Poblete email string to B. Hersh re Perfect 10 LLC & Perfect 10 Inc SOS	No objections.	n/a		
248	Index of Amazon orders	No objections.	n/a		
249	M. Poblete W2 and Schedule C forms	No objections.	n/a		
250	10/21/2013 Letter from M. Poblete to A. Bridges re Perfect 10 v.	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Giganews				
251	09/26/2012 Email from J. Morganelli to M. Poblete re Usenet Piracy	No purpose other than to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	Relevant to intent in making the transfers and foreseeability of Perfect 10 liabilities; Melanie Poblete will be able to authenticate the document during her testimony at trial; not offered for a hearsay purpose; relevant to show then existing state of mind.		
252	07/11/2011 [Dkt. 21] Declaration of M. Poblete in support of Perfect 10's motion for Preliminary Injunction and Exs., Case No. 2:11-cv-07098	No objections.	n/a		
253	Perfect 10s Production Log	This is an improper 1 ½ page truncated version of the actual 6 page multi-colored	The version Plaintiffs submit was the version marked at Ms. Poblete's April 23, 2014		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		document. (FRE 106.)	deposition; the additional pages add nothing of substance, and need not be considered at the same time. (FRE 106).		
254	04/01/2014 Subpoena to M. Pobleto produce documents	No objections.	n/a		
255	07/23/2011 Email string from M. Pobleto to p [vilnius@centrum.cz re Veronika Zemanova w/attachment	No objections.	n/a		
256	07/29/2011 Copyright application	No objections.	n/a		
<b>257</b>	<u>Norm Zada Demo Reel (video available at <a href="https://www.youtube.com/wat">https://www.youtube.com/wat</a></u>	Material from a decade-old Perfect 10 promo video has no relevance to this case and is	Relevant to show nature of Perfect 10's business and its associated expenses and		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	<a href="#">ch?v=QHxm6tuslOE&amp;ab_channel=broseproductions</a> )	simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
258	10/29/2013 TBMBM Inc. Invoice	No objections.	n/a		
259	Video - How'd You Get to Be So Rich episode	Material from a decade-old TV episode has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
260	03/31/2013 Perfect 10, Inc. Financial Report	No objections.	n/a		
261	05/10/2012 Alison Frankel's On the Case " Perfect 10 CEO: Porno Troll or Copyright Crusader (or both)?, Thomson Reuters	No objections.	n/a		
262	05/07/2012 Rhett Pardon, "Perfect 10 Sues Tumblr Over Posted Images," Xbiz News Report	No objections.	n/a		
263	04/16/2014 DMCA Notice signed by Norm Zada	This is an intentionally degraded version of the actual notice. It is also violative of the best	The notice is legible; this is the version marked as an exhibit at Mr. Zada's April 25, 2014 deposition,		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		evidence rule. (FRE 402, 403, 106, See MIL #3)	and thus the one he has already authenticated as having personal knowledge of; Mr. Zada will be able to authenticate it at trial.		
264	06/03/2014 Letter from Lynell Davis to counsel for Giganews re Perfect 10 v. Giganews - Meet & Confer Re Motion for Sanctions	No objections.	n/a		
265	Sample videos 1 diva, 2 abpe scanmaster, 3 sample notice 1 and 2 use and 4 andmore	No objections.	n/a		
266	07/03/2014 Sample Notice 3 video	No objections.	n/a		
267	07/18/2011 [Dkt. 32-8] Declaration of G. Augustine	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	in support of Perfect 10's Opposition to Motion to Change venue, Case No. 2:11-cv-07098				
268	07/11/2011 [Dkt. 18] Declaration of Sheena Chou in support of Perfect 10's Motion for Preliminary Injunction, Case No. 2:11-cv-07098	No objections.	n/a		
269	07/11/2011 [Dkt. 20] Declaration of Sean Chumura in support of Perfect 10's Motion for Preliminary Injunction, Case No. 11 CV 0905	No objections.	n/a		
270	05/10/2014 Declaration of Mike Saz and Exhibits	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
271	01/29/2001 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
272	04/08/2002 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			admission.		
<b>273</b>	04/11/2002 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
<b>274</b>	10/27/2003 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			emotional condition (FRE 803); party admission.		
275	10/31/2003 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
276	11/23/2008 Perfect 10 v. Amazon, Inc., Case No. 2:05-cv-04753-AHM-SH, Reply Declaration of N. Zada in Support of Perfect 10's Motion for Partial	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Summary Judgment				
277	06/13/2013 Perfect 10 v. Yandex N.V., Case No. 3:12- cv-01521-WH, Declaration of N. Zada in Support of Perfect 10's Opposition to Defendants' Motion for Partial Summary Judgment	No objections.	n/a		
278	03/08/2013 [Dkt. 97] Order Granting Defendants' Motion to Dismiss in Part, Case No. 2:11-cv-07098	No objections.	n/a		
279	07/10/2013 [Dkt. 129] Order Granting Defendants' Motion to Dismiss in Part, Case No. 2:11-cv-07098	No objections.	n/a		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
280	03/24/2015 [Dkt. 685] Order Denying Discovery Sanctions Motion, Case No. 2:11-cv-07098	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay; relevant to show that the Court denied sanctions for mootness, i.e., in absence of a fee award Perfect 10 still would have had a multimillion dollar liability that rendered it insolvent.		
281	01/11/2018 Email string from D. Pasternak to N. Zada, R. van Eendenburg, CC Mickelson re AOL	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
282	09/27/2017 Email string from D. Pasternak to N. Zada, Z. Lake, Mickelson re purchase of Perfect 10	No objections.	n/a		
283	09/28/2017 Email string from D. Pasternak to A. Bridges re purchase of Perfect 10	No objections.	n/a		
284	09/26/2017 Email string from D. Pasternak to A. Bridges re Perfect 10	No objections.	n/a		
285	10/24/2018 Email string from D. Pasternak to N. Zada, CC R. Diefenbach, A. Bridges re AOL	No objections.	n/a		
286	10/13/2017 Email string from D. Pasternak to A. Bridges, CC J.	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Wakefield, T. Gregorian re Perfect 10				
287	Spreadsheet entitled "Perfect 10 domains RWR_1491345 933_2017-04-04"	No objections.	n/a		
288	Spreadsheet entitled "Zada domains RWR_1491345 519_2017-04-04"	This document contains a list of websites that Perfect 10 received as part of a settlement as the defendant had few other assets. It is inflammatory and has no relevance to the case. It is also hearsay. (FRE 402, 403, 802 see See MIL #3)	Mischaracterizes exhibit—the parties reached no settlement in this or the underlying case; relevant to valuation of Perfect 10 assets, and Perfect 10 business expenditures and finances, including solvency; Zada will be able to authenticate at trial; not hearsay as record of regularly conducted activity—keeping track of domain names and IP (FRE		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			803).		
289	04/04/2017 Email string from A. Bridges to D. Pasternak, S. Sereboff, J. Kluewer, CC R. Slates, J. Wakefield, T. Gregorian, K. Sarvaiya, S. Menking, J. Weinstein re Giganews/Perfect 10 -- enforcement -- Due Diligence of Perfect 10's IP Portfolio [P245-G17374 - Domains w/attachments	No objections.	n/a		
290	09/02/2014 [Dkt. 425] Defendants' Supplemental Memo in Support of Sanctions, Case No. 2:11-cv-07098	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)			
291	09/02/2014 [Dkt. 427] Belichick Declaration in Support of Defendants' Supplemental Memo in Support of Sanctions, Case No. 2:11-cv-07098	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		
292	09/02/2014 [Dkt. 424] Gregorian Declaration in Support of Defendants' Supplemental	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Memo in Support of Sanctions, Case No. 2:11-cv-07098	order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	ability to pay.		
293	12/31/2008 Perfect 10, Inc. Financial Report	No objections.	n/a		
294	Redacted bank statements showing \$70,000 and \$454,002 wires into Perfect 10 from Zada account	I; M. Plaintiffs will stipulate to a complete unredacted copy of PN-BOA-NZ1-0001-0004.	The additional bank statements that Plaintiffs request to put into evidence are not properly redacted and display Dr. Zada's complete personal bank account number, are violative of his privacy, may		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			bias the jury, and are completely irrelevant.		
295	Documents showing Dr. Zada purchased Lexus in 2012 with his own funds	AU; I; IC; M; R.	These documents show that Dr. Zada already owned the Lexus when he mistakenly purchased it from Perfect 10 and support his testimony that he intentionally overpaid for Perfect 10's assets in a futile attempt to the avoid the exact allegations Plaintiffs are making now.		
296	Email dated 8/10/2018 from receiver to Dr. Zada advising that 2004 scanner has little if any value	AU; R; P; H.	This is relevant and irrefutable evidence that the 11 year old scanner was essentially worthless when Dr. Zada purchased it from Perfect 10 in 2015.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
297	Documents showing value of items from Ebay	AU; R; P; B; F; I; IC; H.	These documents show the prices that used couches, printers, and computers fetch on Ebay similar to the ones purchased from Perfect 10, and are thus highly relevant in determining the fair value of the physical assets that were transferred to Dr. Zada.		
298	Email exchange dated 8/10/18 for receiver to pick up 1,000 Perfect 10 back issues	AU; F; R; P; H.	It is highly relevant that the Receiver has apparently been unable to sell the 1,000 back issues provided to him by Perfect 10 for anything.		
299	Excerpts from 7/11/18 Zada Depo Transcript	MIL; R; P; S; H; ND; I.	Relevant to Dr. Zada's state of mind regarding Perfect 10 winning the Related Case, as well as determining		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			exactly what Dr. Zada purchased from Perfect 10; not offered for truth of matter asserted, and therefore not hearsay.		
300	Excerpts from 10/31/18 Zada Depo Transcript	MIL; R; P; H; ND; I.	Relevant to Dr. Zada's state of mind regarding Perfect 10 winning the Related Case; as well as determining exactly what Dr. Zada purchased from Perfect 10; not offered for truth of matter asserted, and therefore not hearsay.		
301	Offer to settle from Benink	MIL; R; P; S.	It is extremely relevant that Defendants offered to pay the award in full days after it was entered. Defendants are unaware of any successful prosecution for unlawful transfer		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			after the Plaintiff had rejected a full priced offer. Relevant to Dr. Zada's state of mind re transfers; not offered for truth of matter asserted, and therefore not hearsay.		
302	Bank statements showing transfers in 2001 and 2002 from P10 to Zada totaling \$5.4 million	AU; IC; I; M; ND; R (including because Defendants sought and received a time limitation on discovery); P; B.	Relevant to typicality of transfers and therefore to Dr. Zada's mental state in making them, and to Dr. Zada's entitlement to funds.		
303	Bank statements showing settlements received in 2013 and 2014 and amounts left after transfers	AU; R; P; IC; I; M; B. Plaintiffs will stipulate to the complete, original, unredacted, and unmarked copies of the bank statements.	It is highly relevant that Dr. Zada left over a million dollars in the Perfect 10 bank account after the first set of \$900,000 in disputed transfers, which demonstrated that Perfect 10 was left with the ability to pay		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			reasonably expected debts. The complete set of documents that Plaintiffs seek have highly confidential account numbers and names of parties involved in confidential settlements and irrelevant materials that may bias the jury.		
304	Redacted bank statements showing amounts in Zada personal account prior to transfers	AU; R; P; IC; I; M; B. Plaintiffs will stipulate to the complete, original, unredacted, and unmarked copies of the bank statements.	These statements are relevant because they show that Dr. Zada had little money in his account when the transfers were made, which argues against claims that he was transferring monies to keep them from Plaintiffs. The full version that Plaintiffs seek contains highly confidential as well as		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			irrelevant and possibly inflammatory information.		
305	Redacted bank statements and financial statements showing quarterly Perfect 10 bank balances	AU; R; P; IC; I; M; B. Plaintiffs will stipulate to the complete, original, unredacted, and unmarked copies of the bank statements.	It is highly relevant that when Dr. Zada removed the disputed \$850,000, he left approximately \$338,000 in Perfect 10's account, which was roughly its historical average balance. The pages that Defendants provide were redacted to remove highly confidential as well as irrelevant information.		
306	Redacted bank statements showing additions and withdrawals	AU; R; P; IC; I; M; B. Plaintiffs will stipulate to the complete, original, unredacted, and unmarked copies of the bank	Relevant to Dr. Zada's mental state re transfers, his entitlement to funds, and Perfect 10's ability to pay its debts. The full version that Plaintiffs seek		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		statements.	contains highly confidential information such as the identities of parties who made confidential settlements as well as irrelevant and possibly inflammatory information.		
307	Redacted bank statements showing direct payment of Perfect 10 bills by Zada	AU; R; P; IC; I; M; B. Plaintiffs will stipulate to the complete, original, unredacted, and unmarked copies of the bank statements.	Plaintiffs cannot be allowed to object to evidence on various grounds and simultaneously seek the full unredacted versions. Plaintiffs should not be allowed to show confidential and inflammatory materials to the jury when they have no relevance to the case.		
309	Signed promissory notes from P10	IC; I (incomplete version of	Plaintiffs are asking that		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	to Zada totaling over \$1.655 million	Plaintiffs' Ex. 7. This has an extra cover page that is not a promissory note. Duplicative, but not complete as to 7); M.	Defendants be required to use Plaintiffs exhibit, which combines unsigned unused notes with signed notes. This is improper, as Defendants have not used the unsigned notes for any purpose in this case.		
310	Documents describing Giganews	MIL; R; P; F; B; AU; IC; I.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			direct that he read and was aware of such documents during the pendency of the Related Case.		
311	Article that Usenet Site agreed to pay MPAA \$15 million in 2006	MIL; R; P; F; H; AU.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
312	Warning from DOJ that it is unlawful to reproduce copyrighted materials without authorization	MIL; R; P; F; H; AU.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
313	Congress' definition of a pirate website as offering movies and other obviously pirated materials for	MIL; R; P; F; H; AU.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	download		not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
314	International Anti-piracy caucus news release dated May 19th, 2010 stating that copyright holders must be paid for their works	MIL; R; P; F; H; AU.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
315	Comparison of full length movies offered by Giganews vs. Megaupload (Related Case Docket No. 508-2.)	MIL; R; P; F; H; AU; M.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he created such		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			documents and was therefore fully aware of them during the pendency of the Related Case.		
316	Examples of unlicensed movies, TV shows, and songs, offered by Giganews introduced into evidence in Related Case	MIL; R; P; F; AU; M; ND.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. Whether there were actually movies being offered by Giganews is irrelevant, as long as Dr. Zada believed that there were. The documents in dispute are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
317	Examples of infringement of music on Giganews server containing the term “bootleg” in the title	MIL; R; P; F; AU; M; ND.	This case is about Dr. Zada’s interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. Whether there were actually thousands of pirated songs being offered by Giganews is irrelevant, as long as Dr. Zada believed that there were. The documents in dispute are not offered for truth of matter		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and created such documents and was therefore aware of such documents during the pendency of the Related Case.		
318	Takedown notices to Giganews from Warner Brothers, HBO, and Lionsgate	MIL; R; P; F; AU; I; IC; M; B.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. Whether there were actually thousands of pirated movies and TV series being offered by Giganews is		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			irrelevant, as long as Dr. Zada believed that there were. The documents in dispute are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
319	Movies and TV shows that Giganews continued to offer on its server despite repeated notice	MIL; R; P; F; AU; IC; M.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail, as they showed that Giganews was		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			clearly, in Dr. Zada's view, engaged in blatant criminal copyright infringement. Based on everything that Dr. Zada knew, people engaged in obvious criminal activity don't win lawsuits, let alone get awarded attorneys fees. Dr. Zada will confirm on direct that he created such documents during the pendency of the Related Case, and was thus very aware of them.		
320	Judge Birotte (while U.S. Attorney) issues press release regarding the jailing of Gilberto Sanchez for a	MIL; R; P; AU; F; H.	This is highly relevant to Dr. Zada's expectations that Perfect 10 would prevail. The validity of the press release is irrelevant. What		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	year for uploading one copy of X men origins, wolverine to megaupload.com servers		is relevant is that Dr. Zada read it and believed it. From Dr. Zada's standpoint, Giganews was profitting from the efforts of thousands of uploaders like Mr. Sanchez. The press release showed that the government viewed such uploaders as criminals. To Dr. Zada, that meant that Giganews was engaged in a criminal conspiracy to infringe copyright, as it was profitting from the uploading efforts of thousands of similar criminals. The disputed document is not offered for truth of matter asserted, and is		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			therefore not hearsay.		
321	Documents showing Giganews offered many copies of X men origins, wolverine in 2014	MIL; R; P; F; AU; IC; M; B.	This is highly relevant to Dr. Zada's expectations that Perfect 10 would prevail. X Men Origins was the same movie that Gilberto Sanchez was jailed for a year for uploading to megaupload.com servers. Whether Giganews was actually offering multiple pirated copies of that movie is irrelevant. What is relevant is that Dr. Zada believed Giganews was, which in Dr. Zada's mind, meant that Giganews was engaged in obvious criminal copyright infringement and would thus		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			certainly lose the related case.		
322	Email from Giganews subscriber advising Giganews that almost everything it offered was pirated	MIL; R; P; F; I; AU; M; H.	Again, what matters is what Dr. Zada thought when he saw the disputed document, not whether the document is authentic or truthful. The disputed document is not offered for truth of matter asserted, and is therefore not hearsay; Dr. Zada will confirm on direct that he was aware of the document during pendency of the Related Case.		
323	E-mail from a Giganews subscriber saying that virtually everything offered by Giganews was stolen	MIL; R; P; F; I; AU; M; H.	Again, what matters is what Dr. Zada thought when he saw the disputed document, not whether the document is authentic or truthful. The		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			disputed document is not offered for truth of matter asserted, and is therefore not hearsay; Dr. Zada will confirm on direct that he was aware of the document during pendency of the Related Case.		
324	Excerpts from Dr. Zada's 4/24/14 deposition	MIL; R; P; I; H; ND.	It is hard to understand the basis for Plaintiffs' objections when they cite to multiple portions of that same deposition in their deposition designations. Dr. Zada's testimony during the pendency of the related case is highly relevant in supporting consistent testimony he will provide at trial; this evidence is		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			therefore not used to prove the truth of the matters asserted by Dr. Zada during his deposition, but to prove that his mental state has been consistent throughout both the Related Case and this case.		
325	Excerpts from Dr. Zada's 6/30/14 deposition	MIL; R; P; I; H; ND.	It is hard to understand the basis for Plaintiffs' objections when they cite to multiple portions of that same deposition in their deposition designations. Dr. Zada's testimony during the pendency of the related case is highly relevant in supporting consistent testimony he will provide at trial; this evidence is therefore not		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			used to prove the truth of the matters asserted by Dr. Zada during his deposition, but to prove that his mental state has been consistent throughout both the Related Case and this case.		
326	Rosenblatt Declaration from Related Case	MIL; R; P; I; B.	Mr. Rosenblatt testified in his declaration that Perfect 10 could easily write a program to automatically create DMCA notices with machine readable Message-IDs, but then admitted in his deposition that he had no idea how to do that and was not a competent programmer. It is absolutely essential to a fair resolution of this case, that Defendants be		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			allowed point out such inconsistencies to the jury between the declarations submitted by Giganews and their deponent's deposition testimony. Such evidence supports Dr. Zada's testimony that he expected Perfect 10 would win in part because he could prove that Giganews' declarants had filed false and misleading declarations with the Court.		
327	Documents showing that Message-IDs are incomprehensible, unsearchable, and do not prove the infringing content was	MIL; R; P; F; AU; I; IC; M; B.	Such evidence explains in part why Perfect 10 expected to win the Related Case and is consistent with Professor Robert Lind's opinion that the Perfect 10 DMCA notice		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	ever on Giganews's servers or when		he examined was DMCA-compliant whereas Giganew's Message-ID requirements were "contrary to the statutory notice and takedown provisions as described in §512(c)(3)." Lind Report p. 12 (Conclusion).		
328	Documents showing notices similar to notice sent to Giganews in Related Case were processed by other Usenet Operators	MIL; R; P; H; AU; M; I (including improper redactions); ND.	Such evidence explains in part why Perfect 10 expected to win the Related Case. If other Usenet Operators were able to process Perfect 10's notices, then they must have been sufficient to allow the Usenet Operator to locate the allegedly infringing material. These documents are relevant to Dr.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he created the notices at issue and was fully aware that other Usenet Operators processed them.		
329	Perfect 10 notices processed by Facebook and Yahoo	MIL; R; P; H; AU; M; I (including improper redactions); ND.	This evidence simply supports Dr. Zada's beliefs and testimony that Perfect 10's notices were DMCA compliant and were not intentionally deficient as Plaintiffs claimed. The notices and the fact that they		



FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			were quickly processed are certainly not hearsay, as Dr. Zada created the notices and sent them out, and created the exhibits showing they were processed. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that created the notices at issue and was fully aware that Facebook and Yahoo had processed them.		
330	Email exchange with Dr. Zada's	MIL; R; P; AU; F; H; B.	Relevant to Dr. Zada's mental state re Perfect		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	father dated 2/11/2014		10's prospects of winning the Related Case; not offered for truth of matter asserted, and therefore not hearsay.		
331	RIAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit	MIL; R; P; F; B; H.	The RIAA Amicus brief is highly relevant because the arguments made by the RIAA in its Amicus Brief largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the RIAA make the argument that automation is not a defense against direct copyright infringement. If the RIAA, who is an acknowledged expert on copyright, believed that Perfect 10		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			should have won the Related Case, and Perfect 10 made the same arguments, then it is completely reasonable that Perfect 10 expected to win as well. Furthermore, it could not have been “reasonably apparent” early on, as Plaintiffs contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose.		
332	MPAA Amicus brief filed in support of Perfect 10’s appeal to the Ninth Circuit	MIL; R; P; F; B; H.	The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect 10 before the District Court. The MPAA		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			must get all six movie studios to vote in favor of submitting any Amicus brief. That means, among other things, that Perfect 10's lawsuit could not have been objectively unreasonable, if all six studios would vote in favor of supporting a creator of adult images. Because attorney's fees have rarely been awarded when the underlying case was objectively reasonable, that is yet more evidence supporting Dr. Zada's claim that he never expected a fee award in the Related Case.		
333	Certified translation of Frankfurt Main	MIL; R; P; F; AU; H.	That Usenet Operators who have exchanged		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Attorney General's Office release regarding arrests of Usenet Operators, dated 11/10/2017		content with Giganews have been arrested, is highly relevant, as it supports Dr. Zada's ongoing belief that Giganews is involved in massive criminal copyright infringement, and never should have won the Related Case, yet alone been granted fees.		
334	News articles regarding the German arrests	MIL; R; P; F; H; IC.	That Usenet Operators who have enchanged content with Giganews have been arrested, is highly relevant, as it supports Dr. Zada's ongoing belief that Giganews is involved in massive criminal copyright infringement, and never should have won the Related Case,		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			yet alone been granted fees.		
335	Evidence that Giganews copied content from Usenet Operators who were arrested in Europe	MIL; R; P; F; AU.	That Usenet Operators who have exchanged content with Giganews have been arrested, is highly relevant, as it supports Dr. Zada's ongoing belief that Giganews is involved in massive criminal copyright infringement, and never should have won the Related Case, yet alone been granted fees.		
336	Excerpts of email exchange with Jason Gull of the DOJ, dated, 7/23/2018	MIL; R; P; I; AU; H; I.	That a senior official of the Justice Department spent 90 minutes speaking to Dr. Zada, and asked him to help DOJ criminally prosecute Giganews, simply confirms Dr. Zada's testimony that		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			he believed that Giganews was unquestionably involved in massive criminal copyright infringement, and never should have won the Related Case, let alone been awarded fees.		
337	Lani Hicks documents showing Perfect 10 attempt to buy 1 mil plus film in November 2014	MIL; R; P; AU; F; H; B; IC.	This is positive proof that Perfect 10 expected to win as Dr. Zada would never have considered buying more than \$1 million in new film if Perfect 10 anticipated a loss.		
338	Documents showing Fantasy Records revenues	MIL; R; P; F; H; AU; I; B.	Relevant to Dr. Zada's mental state re Plaintiffs' receiving an attorney fee award in the Related Case; not offered for truth of matter asserted, and		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			therefore not hearsay; Dr. Zada will confirm on direct that he was aware that Fantasy records could easily pay the award that was granted during pendency of the Related Case.		
339	Documents showing Mattel Revenues	MIL; R; P; F; H; AU; I; B.	Relevant to Dr. Zada's mental state re Plaintiffs' receiving an attorney fee award in the Related Case; not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he was aware during the pendency of the related case, that Mattel's revenues were much greater than the award it		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			was ordered to pay.		
340	Giganews, Inc.'s responses to Defendant Perfect 10, Inc.'s Special Interrogatories, Set One	M; R; I; ND.	These response are highly relevant because Perfect 10 and Dr. Zada asked Giganews to identify cases where a Usenet Operator won, or where a fee exceeding the losers' yearly sales was awarded, and related requests, and Giganews refused to provide any cases at all for any of the requests. Unless Giganews can provide a case where a fee award against a copyright holder exceeded the copyright holders yearly sales (which it apparently cannot), it should not be allowed to contend that		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			Perfect 10 could have reasonably expected to be ordered to pay a fee award that was more than 140 times sales.		
341*	Locke Declaration from Related Case listing cases where fees were sought	MIL; R; P; I; F; H; AU; IC; improper expert opinion.	The Locke Declaration supports Dr. Zada's testimony and belief that fees had never previously been awarded to parties who used other's people property for commercial gain. The document is not being offered for the truth of the matter asserted, and therefore not hearsay. Dr. Zada will confirm on direct that he was familiar with the general basis on which fees could be awarded, based on Perfect 10's successful		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			defense against fee motions in the past.		
342*	MPAA Amicus brief in Spanski case	MIL; R; P; F; H; B.	The MPAA Amicus brief in Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won the Related		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			Case, then it is completely reasonable that Perfect 10 expected to win as well. Furthermore, it could not have been “reasonably apparent” early on, as Plaintiffs contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose.		
343*	DOJ brief in Spanski	MIL; R; P; F; H; B.	The DOJ and Copyright Office Amicus brief in Spanski is highly relevant because the arguments made by the DOJ and the Copyright Office regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example,		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			both Perfect 10 and the DOJ/Copyright Office make the argument that copyright infringement is essentially a strict liability tort. What that means, is that the only issue is whether a copy was made without the permission of the copyright holder. It doesn't matter whether the copy was made in an automated way, or whether everything was copied at once, including the allegedly infringing copy (content neutral copying). The District Court and the Ninth Circuit seemed to feel that automated copying was inactionable, as		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			was copying a large number of unauthorized works at the same time. Perfect 10 and the DOJ and Copyright Office disagreed, as did the RIAA and MPAA. The bottom line is that the DOJ/Copyright Office Amicus brief is further evidence that it was not at all apparent that Perfect 10 would lose the Related Case.		
344*	Email regarding flood in P10 basement, dated October 18, 2014	R; H.	Relevant to reasons why unsigned promissory notes and repayment notes were probably drafted.		
345	Files suggestive of child pornography offered by Giganews in	MIL; R; P; AU; F; M.	Relevant to Dr. Zada's mental state re Perfect 10's prospects of winning the Related Case;		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	2014		not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he was aware of such files being offered by Giganews during the pendency of the Related Case.		
346*	6 page multi color production log provided to Plaintiffs in Related Case	MIL; R; P.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that event, Defendants should have the right to challenge the accuracy of that denied and vacated order. That challenge will in part note that Defendants provided almost 30 times as much discovery,		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			along with a six page multi-colored log. Plaintiffs have a truncated log (1 ½ pages) which is of low resolution in their exhibits as Ex. 253. If any production log is provided to the jury, it should be the higher resolution version.		
347*	Laven Decl. stating Giganews's production was defective	MIL; R; P; F.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that case, Defendants should have the right to challenge the accuracy of that denied and vacated order. That challenge will in part note that Defendants provided almost 30 times as		



FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			much discovery, and that Plaintiffs production was deficient as explained in Mr. Laven's declaration, of which Dr. Zada was fully aware.		
348*	Related Case response to Giganews RFP No. 2, containing 33 pages list of websites that infringed Perfect 10's content	MIL; R; P; F; H; ND; I.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that case, Defendants should have the right to challenge the accuracy of that denied and vacated order. That challenge will in part note the amount of work that Defendants did to create the 33 page list of websites that infringed Perfect 10's content shown in the		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			disputed RFP response. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he created the response to RFP No. 2.		
349*	Perfect 10 response to second set of interrogatories in Related Case	MIL; R; P; F; H; ND.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that instance, Defendants should have the right to challenge the accuracy of that denied and vacated order.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			That challenge will in part note the amount of work that Defendants did to respond to the second set of interrogatories in the Related Case.own in the disputed RFP response. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he wrote the interrogatory responses at issue.		
350*	Discovery to Eileen Koch in Related Case	MIL; R; P; B.	This will only be relevant if the jury is allowed to see the denied and vacated		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			sanctions order or related allegations. In that instance, Defendants should have the right to challenge the accuracy of that denied and vacated order, and show the extent to which Plaintiffs heaped abusive discovery requests on Perfect 10's former publicity agent, who had not worked for Perfect 10 for seven years.		
351*	Perfect 10 objections to interim sanctions order in Related Case (Dkt. 681.)	MIL; R; P; F; H.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that instance, Defendants should have the right to challenge the accuracy of that		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			denied and vacated order.		
352*	List of repeat infringers of Perfect 10 content in Related Case	MIL; R; P; F; H; AU; IC; improper expert opinion.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that instance, Defendants should have the right to challenge the accuracy of that denied and vacated order, and show, for example, that Plaintiffs failed to provide the real identities of parties who were alleged to have infringed Perfect 10's copyrights, as shown by the disputed exhibit. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case;		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he create the list of repeat infringers at issue.		
353*	Perfect 10 response to third set of interrogatories in Related Case	MIL; R; P; F; H; ND.	This interrogatory response proves a that Perfect 10 did in fact provide Giganews with over 39,000 pages of full message headers which contained close to 54,000 machine readable Message-IDs, at P-FH000001-39771. Giganews submitted a false declaration by Philip Molter (see in particular Dkt. 442, ¶ 39), where he lied about this fact.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			In retrospect, that lie may very well have won the Related Case for Giganews. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he wrote Perfect 10's interrogatory responses.		
354*	Zada Decl. in opposition to attorneys fee motion in Related Case showing examples of the 54,000 machine readable Message-IDs	MIL; R; P; M; H.	This is another critical piece of evidence that Perfect 10 did in fact provide Giganews with 54,000 machine readable Message-IDs which Giganews lied about. (See		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	provided by Perfect 10 to Giganews in June 2014, which Giganews did not process		Dkt. 442, ¶ 39.) The evidence is clearly not hearsay as Dr. Zada created all of the machine readable Message-IDs and provided them to Fenwick and West.		
355*	Additional examples of the 54,000 machine readable Message-IDs that were provided to Giganews in June of 2014	MIL; R; P; AU; F; ND.	This is just more evidence that Fenwick and West deponents, as well as Fenwick and West attorneys, grossly misled the Court. The Court can search the sample message-IDs provided in the exhibit to see that they are completely machine readable. In other words, Giganews actually had all the machine readable message-IDs it requested, it just		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			never processed them.		
356*	Davis declaration detailing lies told by Giganews deponents	MIL; R; P; M; I; H; F.	Yet more reasons why Dr. Zada expected that Perfect 10 would win the Related Case. Such evidence is not hearsay because Dr. Zada attended the depositions and was very aware of the content of Giganews's declarations.		
357*	Molter Declarations in Related Case (Dkt. 442)	MIL; R; P; I; B; H; F; AU.	These declarations are highly relevant to Dr. Zada's mental state, because Dr. Zada knew that Molter's deposition testimony conflicted with the declarations Molter submitted to the Court. Dr. Zada expected Perfect 10 would win easily in part		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			because he believed that Perfect 10 could readily demonstrate that Giganews's witnesses filed multiple false and misleading declarations with the Court. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that was fully aware of these declarations during pendency of the Related Case.		
358*	Ron Yokubaitis Declaration	MIL R; P.	This declaration is highly relevant to Dr. Zada's mental		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			state, because Dr. Zada knew that Mr. Yokubaitis' deposition testimony conflicted with his declarations. Dr. Zada expected Perfect 10 would win easily in part because he believed that Perfect 10 could demonstrate that Giganews's witnesses filed multiple false and misleading declarations with the Court.		
359*	Excerpts of Perfect 10 expert Professor Douglas Tygar declarations which contend that Giganews copies content and that Perfect 10's notices were compliant	MIL; R; P; I.	Relevant to Dr. Zada's mental state re Perfect 10's prospects of winning the Related Case; not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read this during		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			pendency of the Related Case.		
360*	Ron Youkubaitis emails saying Giganews has 145 employees which contradicts his deposition testimony	MIL; R; P.	The document is highly relevant to Dr. Zada's expectation that Perfect 10 would win. When Mr. Yokubaitis was deposed, he testified that he did not know if Giganews had more than 20 employees.		
361	Amended Perfect 10 tax return	IC (same Bates ranges carrying different docket stamps; duplicative of Plaintiffs' Ex. 177)	Plaintiffs want to include portions of Perfect 10's return that Defendants believe are irrelevant.		
362	Expert report issued by Professor Lichtman	MIL; R; P; H.	Professor Lichtman's report supports Dr. Zada's testimony that he expected Perfect 10 to win the Related Case and that it was not "reasonably apparent" that Perfect 10 would		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			lose the Related Case.		
363	Expert report issued by Professor Lind	MIL; R; P; H.	Professor Lind's report states that the Perfect 10 notice he examined was DMCA compliant, and also states that Giganew's Message-ID requirements were "contrary to the statutory notice and takedown provisions as described in §512(c)(3)." Lind Report p. 12 (Conclusion). This report is critically important and highly relevant because it supports Dr. Zada's contention that he believed that Perfect 10's DMCA notices were compliant and Message-IDs were not. The report also		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			supports Dr. Zada's contention that Fenwick and West won the case by submitting multiple false and misleading declarations written by Fenwick and West attorneys which substantially misled the Court.		
364	Notice Professor Lind Reviewed and opined was DMCA compliant which Giganews belatedly processed	MIL; R; P; M.	The notice is highly relevant because Professor Lind opined that it was DMCA compliant and the notice is similar to most of the other notices that Perfect 10 sent to Giganews. This supports Dr. Zada's testimony that he fully expected that		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			Perfect 10 would win the case.		
365	Cooper Expert Report	MIL; R; P; H.	Relevant to reasonably equivalent value received by Perfect 10 from Dr. Zada and to rebut assertions made by Steven Boyles		
366	Misc financial documents	IC; I.	Relevant to various transfers and other financial issues.		
367*	Tax documents showing Zada had no income to offset by Perfect 10 losses	R; I; B.	This document will be needed if Defendants are unsuccessful in their Motion in Limine to prevent the jury from hearing certain findings in the fee award that Defendants strenuously disagree with, in particular, the finding that Dr. Zada benefitted from Perfect 10's losses, a finding which was simply not		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			correct and based on misleading statements made by Plaintiffs.		
368	Order denying alter ego motion in Related Case (Dkt. 734)	R; P; B.	This order is relevant to the issue of whether Perfect 10 was able to pay reasonably expected debts as they became due.		
369	Excerpts from Ninth Circuit ruling in appeal of Related Case	MIL; I.	This order is relevant to the issue of whether Perfect 10 was able to pay reasonably expected debts as they became due.		
370	Bank of America Account (ending in 0277) statements from March 2015 through August 2018	No objections.	n/a		
371*	Chaney related	R; P; B; H; IC; I (including	This evidence will be needed to		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		improper redactions); AU; Fed. R. Civ. P. 5.2; ND	refute Ms. Chaney's testimony if Ms. Chaney is allowed to testify or portions of her video are played to the jury.		
372	01/10/2019 N. Zada Quickbooks Find Report	R; P; IC; AU; M; ND	No response served.		
373	09/08/2014 [Dkt. 436] Perfect 10's Opposition to Defendants' Motion for Partial Summary Judgment of No Direct Infringement, Case No. 2:11-cv-07098	R; P; MIL; FUS; ND; AU	This document is needed to demonstrate that Perfect 10's arguments in the Related Case were similar to the arguments made by the RIAA, MPAA, DOJ and Copyright Office before the Ninth Circuit and/or in the D.C. Appellate court in <i>Spanski</i> . In other words, it demonstrates that it was not "reasonably		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			apparent” to either the RIAA, MPAA, DOJ, or Copyright Office that Perfect 10 would lose the Related Case. These documents are relevant to Dr. Zada’s mental state re Perfect 10’s prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he co-drafted Perfect 10’s opposition.		
374	10/06/2014 [Dkt. 536] Perfect 10's Opposition to Defendants' Motion for Partial Summary Judgment of No Indirect Infringement,	R; P; MIL; FUS; ND; AU	This document is needed to demonstrate that Perfect 10’s arguments in the Related Case, were similar to the arguments made by the RIAA, and MPAA, before		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Case No. 2:11-cv-07098		the Ninth Circuit as well as Professor Lichtman in his expert report. In other words, it demonstrates that it was not “reasonably apparent” to either the RIAA, MPAA, or Professor Lichtman, that Perfect 10 would lose the Related Case. These documents are relevant to Dr. Zada’s mental state re Perfect 10’s prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he co-drafted Perfect 10’s opposition.		
375	10/20/2014 [Dkt. 550]	R; P; MIL; ND;	This document is needed to		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Perfect 10's Opposition to Motion for Partial Summary Judgment on Inadequacy of Perfect 10's Notices Under the Section 512 Safe Harbor, Case No. 2:11-cv-07098	AU; M	demonstrate that Perfect 10's arguments in the Related Case, were similar to the opinions expressed by Professor Robert Lind. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he co-drafted Perfect 10's opposition.		
376	01/12/2015 [Dkt. 650] Perfect 10's Opposition to Motion for Award of Attorney's Fees and Expenses	ND; R; P; MIL	This document will support Dr. Zada's testimony as to why Perfect 10 did not expect to be ordered to pay any of Giganews's attorneys fees.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he co-drafted Perfect 10's Opposition.		
377	Beverly Park Images	This is an irrelevant document which will simply mislead the jury into overestimating Dr. Zada's net worth. It is also hearsy, its origin and provenance are not explained and it is thus inadmissible because it is not authorized or properly	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; trial witnesses will authenticate; exhibit is not testimonial in nature/includes no "statements"		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		identified. It was also not produced by Plaintiffs in discovery and is thus inadmissible. (FRE 402, 403, 802, 901, see also MIL #3, 6)	and therefore is not offered for the truth of any matter asserted.		
378	Norfield Court Images	This is an irrelevant document which will simply mislead the jury into overestimating Dr. Zada's net worth. It is also hearsy, its origin and provenance are not explained and it is thus inadmissible because it is not authorized or properly identified. It was also not produced by Plaintiffs in discovery and is thus inadmissible. (FRE 402, 403,	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; trial witnesses will authenticate; exhibit is not testimonial in nature/includes no "statements" and therefore is not offered for the truth of any matter asserted.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		802, 901, see also MIL #3, 6)			
379	3/17/2014 Related Dkt. No. 223, Order re Motion to Compel	This document is completely irrelevant and will be incomprehensible to the jury as the interrogatory and document requests that are ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for one purpose and one purpose only, to smear Dr. Zada. If such materials are allowed to be shown to the jury, Defendants will be forced to spend substantial time proving to the jury that it was in fact Plaintiffs who were guilty of discovery violations, not	Relevant to determining fraudulent intent and whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of a significant discovery sanction was known to Zada early in the case.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
380	4/24/2017 Related Dkt. No. 254, Order re Motion to Compel	This document is completely irrelevant and will be incomprehensible to the jury as the interrogatory and document requests that are ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for one purpose and one purpose only, to smear Dr. Zada. If such materials are allowed to be shown to the jury, Defendants will be forced to spend substantial time proving to the jury that it was in fact Plaintiffs who were guilty of discovery violations, not	Relevant to determining fraudulent intent and whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of a significant discovery sanction was known to Zada early in the case.		



Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
381	6/5/2014 Related Dkt. No. 312, Order re Motion to Compel	This document is completely irrelevant and will be incomprehensible to the jury as the interrogatory and document requests that are ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for one purpose and one purpose only, to smear Dr. Zada. If such materials are allowed to be shown to the jury, Defendants will be forced to spend substantial time proving to the jury that it was in fact Plaintiffs who were guilty of discovery violations, not	Relevant to determining fraudulent intent and whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of a significant discovery sanction was known to Zada early in the case.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
382	6/23/2014 Related Dkt. No. 326, Order re Motion to Compel	This document is completely irrelevant and will be incomprehensible to the jury as the interrogatory and document requests that are ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for one purpose and one purpose only, to smear Dr. Zada. If such materials are allowed to be shown to the jury, Defendants will be forced to spend substantial time proving to the jury that it was in fact Plaintiffs who were guilty of discovery violations, not	Relevant to determining fraudulent intent and whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of a significant discovery sanction was known to Zada early in the case.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
383	11/14/2014 Related Dkt. No. 619, Order Granting Defendants' Motion for Partial Summary Judgment on the Issue of Direct Copyright Infringement	No objection.	n/a		
384	11/14/2014 Related Dkt. No. 620, Order Granting Defendants' Motion for Partial Summary Judgment on the Issue of InDirect Copyright Infringement	No objection.	n/a		
385	11/26/2014 Related Dkt. No. 628, Judgment in Favor of Giganews and	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Livewire				
386	3/6/2015 Related Dkt. No. 682, Order Denying Plaintiff's Motion for Reconsideratio n	No objections.	n/a		
387	3/24/2015 Related Dkt. No. 686, Amended Order Granting Defendants' Motion for Attorney's Fees and Costs	Certain findings in this order are demonstrably false or hotly contested and will bias the jury. (FRE 402, 403, see MIL # 8)	Relevant to determining fraudulent intent and whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; Plaintiffs are collaterally estopped from challenging the Court's ruling; any inflammatory effect on the jury would be legitimate as the misconduct described is directly relevant to the claims in		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			the case.		
388	1/23/2017 <i>Perfect 10, Inc. v. Giganews, Inc., et al.</i> , D.C. Nos. 15-55500, -55523, Opinion (9th Cir.)	No objections.	n/a		
389	9/14/2018 Defendants' Motion for Summary Judgment (Dkt. 67)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		
390	11/30/2018 Defendants' Reply in Support of Motion for Summary Judgment (Dkt. 121)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		will likely confuse and bias the jury. See MIL #3)			
391	9/5/2017 Defendants' Motion to Dismiss (Dkt. 12)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		
392	10/6/2017 Defendants' Reply in Support of Motion to Dismiss (Dkt. 19)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
393	2/2/2018 Defendants' Motion for Judgment on the Pleadings (Dkt. 33)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		
394	2/16/2018 Defendants' Reply in Support of Motion for Judgment on the Pleadings (Dkt. 37)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
395	Additional payments of Perfect 10 expenses made by Norman Zada	ND; R; P; B; AU	These documents show other Perfect 10 legal expenses paid for by Dr. Zada.		

FENWICK & WEST LLP  
ATTORNEYS AT LAW



1 Dated: January 18, 2019

FENWICK & WEST LLP

2  
3 By: /s/ Todd R. Gregorian

4 Todd R. Gregorian

5 Attorneys for Plaintiffs,  
6 GIGANEWS, INC. and LIVEWIRE  
7 SERVICES, INC.

8 Dated: January 18, 2019

LAW OFFICES OF MATTHEW C.  
9 MICKELSON

10  
11 By: /s/ Matthew C. Mickelson

12 Matthew C. Mickelson

13 Attorneys for Defendants,  
14 PERFECT 10, INC. and NORMAN ZADA  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FENWICK & WEST LLP  
ATTORNEYS AT LAW